SUBJECT INDEX

[*Titles of Articles are printed in CAPITALS*]

ADMINISTRATIVE LAW
Procedural exclusivity: a judicious review
(Sandra Fredman) 591

AUSTRALIA
Beaudesert bounces back
(Nicholas J. Mullany) 44
Beaudesert buried
(Nicholas J. Mullany) 583
Dissimilar views of similar facts
(C. F. H. Tapper) 381
"Governing reputation" and local government corporations
(Nicholas J. Mullany) 206
Manslaughter and the forfeiture rule
(R. A. Buckley) 196
NO SOMERSAULT AFTER *MURPHY*: NEW ZEALAND FOLLOWS CANADA
(I. N. Duncan Wallace) 285
Once more: tort liability for structural defects
(John G. Fleming) 362
"Political discussion" and the law of defamation
(F. A. Trindade) 199
Restitution of overpaid tax, discretion and passing-on
(J. Beatson) 375
THE STATUTORY PROHITION OF MISLEADING OR DECEPTIVE CONDUCT IN AUSTRALIA AND ITS IMPACT ON THE LAW OF CONTRACT
(Professor D. J. Harland) 100
The uses of unconscionability
(Andrew Phang) 559
The widow's dependency once more
(Michael A. Jones) 223

BAILMENT
Bailment on terms
(F. M. B. Reynolds) 8
Bailment with authority to mix — and substitute
(Lionel Smith) 10

BANKING
BCCI: the real party in interest?
(Mark Leeming) 549

BANKING—*cont.*
Undue influence and the function of independent advice
(Adrian Chandler) 51

BROADCASTING
Parish Councils and broadcasting complaints
(Paul Robertshaw) 569
Who can complain against the BBC?
(Paul Robertshaw) 40

BUILDING
Damages for rebuilding
(Hugh Beale) 54
NO SOMERSAULT AFTER *MURPHY*: NEW ZEALAND FOLLOWS CANADA
(I. N. Duncan Wallace) 285
Once more: tort liability for structural defects
(John G. Fleming) 362

CANADA
Choice of law in tort: the Supreme Court of Canada enters the fray
(Janet Walker) 397
NO SOMERSAULT AFTER *MURPHY*: NEW ZEALAND FOLLOWS CANADA
(I. N. Duncan Wallace) 285
Once more: tort liability for structural defects
(John G. Fleming) 362

CHILDREN
Privilege in the Family Mediation Process
(Terence Ingman) 68
State and family: back to basics?
(S. M. Cretney) 65

CHOSES IN ACTION
BCCI: the real party in interest?
(Mark Leeming) 549

COMMONWEALTH
NO SOMERSAULT AFTER *MURPHY*: NEW ZEALAND FOLLOWS CANADA
(I. N. Duncan Wallace) 285
Once more: tort liability for structural defects
(John G. Fleming) 362

COMPANY LAW
Deeming provisions
(B. J. Davenport) 193
COMPETITION LAW
The existence and exercise of copyright: can it bear the abuse?
(Aidan Robertson) 588
CONFLICT OF LAWS
The Brussels Convention within the United Kingdom
(Lawrence Collins) 541
Choice of law in tort: the Supreme Court of Canada enters the fray
(Janet Walker) 397
Forum shopping in the market
(B. J. Davenport) 366
The Halley: holed but still afloat?
(Adrian Briggs) 18
THE NEGATIVE DECLARATION IN TRANSNATIONAL LITIGATION
(Andrew S. Bell) 674
CONSTITUTIONAL LAW
Fundamental rights and the New Zealand Bill of Rights Act
(Adrian Hunt) 565
"Fundamental" rights, parliamentary supremacy and the New Zealand Court of Appeal
(J. A. Smillie) 209
CONTRACT
The contributory negligence defence and the ability to rely on the contract
(Ariel Porat) 228
Deeming provisions
(B. J. Davenport) 193
Detrimental reliance in anticipation of a contract
(Paul Key) 576
Points on misrepresentation
(Hugh Beale) 385
PUBLIC PROCUREMENT AS AN INSTRUMENT OF POLICY AND THE IMPACT OF MARKET LIBERALISATION
(Professor Sue Arrowsmith) 235
THE PERFORMANCE INTEREST IN CONTRACT DAMAGES
(Professor Daniel Friedmann) 628
THE STATUTORY PROHIBITION OF MISLEADING OR DECEPTIVE CONDUCT IN AUSTRALIA AND ITS IMPACT ON THE LAW OF CONTRACT
(Professor D. J. Harland) 100
The uses of unconscionability
(Andrew Phang) 559
CONTRACT—*cont.*
TITLE CLAIMS AND ILLEGAL TRANSACTIONS
(Nelson Enonchong) 135
Tortious interference with contractual remedies
(Peter Cane) 400
UNFAIR TERMS IN LAND CONTRACTS: COPY OUT OR COP OUT?
(Susan Bright and Christopher Bright) 655
COPYRIGHT
The existence and exercise of copyright: can it bear the abuse?
(Aidan Robertson) 588
CREDIT AND SECURITY
Creditors and collateral purposes
(Nicholas Hopkins) 72
CRIMINAL LAW
Criminal defences by judicial discretion
(Simon Gardner) 177
Dissimilar views of similar facts
(C. F. H. Tapper) 381
INSANITY, AUTOMATISM, AND THE BURDEN OF PROOF ON THE ACCUSED
(Timothy H. Jones) 475
Interference in the home and anticipated breach of the peace
(David Feldman) 562
Manslaughter and the forfeiture rule
(R. A. Buckley) 196
Manslaughter by gross negligence
(Simon Gardner) 22
Psychiatric injury and the bodily harm criterion
(David Kell) 27
Underlying facts of previous convictions
(P. N. Mirfield) 186
CROWN PRACTICE
Interdict and the Crown in Scotland
(Denis J. Edwards) 34
DAMAGES
Damages for rebuilding
(Hugh Beale) 54
Damages in lieu of rescission for misrepresentation
(Hugh Beale) 60
THE PERFORMANCE INTEREST IN CONTRACT DAMAGES
(Professor Daniel Friedmann) 628
The widow's dependency once more
(Michael A. Jones) 223

DEFAMATION
"Governing reputation" and local government corporations (Nicholas J. Mullany) 206
"Political discussion" and the law of defamation (F. A. Trindade) 199

ECONOMICS
ECONOMICS AND LAW REFORM: THIRTY YEARS OF LAW COMMISSION ENDEAVOUR (Professor Anthony Ogus) 407
EMPLOYMENT LAW
Parenthood and the right to work (Sandra Fredman) 220
EQUITY
The negligent fiduciary (J. D. Heydon) 1
ESTOPPEL
Reliance and estoppel (Elizabeth Cooke) 389
EVIDENCE
Dissimilar views of similar facts (C. F. H. Tapper) 381
INSANITY, AUTOMATISM, AND THE BURDEN OF PROOF ON THE ACCUSED (Timoth H. Jones) 475

FAMILY LAW
Privilege in the Family Mediation Process (Terence Ingman) 68
FAMILY PROVISION
REFORM OF INTESTACY: THE BEST WE CAN DO? (S. M. Cretney) 77

GOVERNMENT
PUBLIC PROCUREMENT AS AN INSTRUMENT OF POLICY AND THE IMPACT OF MARKET LIBERALISATION (Professor Sue Arrowsmith) 235

INJUNCTION
Interdict and the Crown in Scotland (Denis J. Edwards) 34
INSURANCE
Utmost good faith in the House of Lords (Howard N. Bennett) 181

LAW REFORM
Abolition of market overt (F. M. B. Reynolds) 76
LAW REFORM—*cont.*
ECONOMICS AND LAW REFORM: THIRTY YEARS OF LAW COMMISSION ENDEAVOUR (Professor Anthony Ogus) 407
Procedural exclusivity: a judicious review (Sandra Fredman) 591
REFORM OF INTESTACY: THE BEST WE CAN DO? (S. M. Cretney) 77
LEGAL EDUCATION
Shallow foundations (Peter Birks) 371
LEGAL HISTORY
THE LINCOLN'S INN MILL-RINDS (The Rt Hon. Sir Robert Megarry) 617
LEGAL PROFESSION
THE LINCOLN'S INN MILL-RINDS (The Rt Hon. Sir Robert Megarry) 617
LIMITATION OF ACTIONS
Subsequent concealment of material facts (Andrew McGee) 580
LOCAL GOVERNMENT
"Governing reputation" and local government corporations (Nicholas J. Mullany) 206

MEDICAL LAW
Physician-assisted suicide and the Dutch Supreme Court (John Keown) 394
MISREPRESENTATION
Damages in lieu of rescission for misrepresentation (Hugh Beale) 60
Partial rescission for misrepresentation rejected (Patricia Ferguson) 555
Points on misrepresentation (Hugh Beale) 385
THE STATUTORY PROHIBITION OF MISLEADING OR DECEPTIVE CONDUCT IN AUSTRALIA AND ITS IMPACT ON THE LAW OF CONTRACT (Professor D. J. Harland) 100
MISTAKE
Error of law and unjust enrichment in Scotland (Graeme T. Laurie) 379

NEGLIGENCE
The contributory negligence defence and the ability to rely on the contract (Ariel Porat) 228

NEGLIGENCE—*cont.*
DUTY OF CARE: PERIPHERAL PARTIES AND ALTERNATIVE OPPORTUNITIES FOR DETERRENCE
(Jane Stapleton) 301
Manslaughter by gross negligence
(Simon Gardner) 22
The negligent fiduciary
(J. D. Heydon) 1
Nervous shock: bystander witnessing a catastrophe
(Tan Keng Feng) 48
NO SOMERSAULT AFTER *MURPHY*: NEW ZEALAND FOLLOWS CANADA
(I. N. Duncan Wallace) 285
Once more: tort liability for structural defects
(John G. Fleming) 362
Valuer's negligence and falls in the property market
(Hugh Beale) 571
NETHERLANDS
Physician-assisted suicide and the Dutch Supreme Court
(John Keown) 394
NEW ZEALAND
Fundamental rights and the New Zealand Bill of Rights Act
(Adrian Hunt) 565
"Fundamental" rights, parliamentary supremacy and the New Zealand Court of Appeal
(J. A. Smillie) 209
NO SOMERSAULT AFTER *MURPHY*: NEW ZEALAND FOLLOWS CANADA
(I. N. Duncan Wallace) 285
The Privy Council and "light-handed regulation"
(Rex Ahdar) 217
NUISANCE
DOES ONLY THE CARELESS POLLUTER PAY? A FRESH EXAMINATION OF THE NATURE OF PRIVATE NUISANCE
(Gerry Cross) 445
POLITICS
"Political discussion" and the law of defamation
(F. A. Trindade) 199
PRACTICE AND PROCEDURE
Privilege in the Family Mediation Process
(Terence Ingman) 68
PROCEDURES AT INQUIRIES—THE DUTY TO BE FAIR
(The Rt Hon. Sir Richard Scott) 596
PROPERTY
PRIVATE AND NON-PRIVATE PROPERTY: WHAT IS THE DIFFERENCE?
(J. W. Harris) 421
Valuer's negligence and falls in the property market
(Hugh Beale) 571
REAL PROPERTY
Creditors and collateral purposes
(Nicholas Hopkins) 72
UNFAIR TERMS IN LAND CONTRACTS: COPY OUT OR COP OUT?
(Susan Bright and Christopher Bright) 655
RESTITUTION
Error of law and unjust enrichment in Scotland
(Graeme T. Laurie) 379
Restitution of overpaid tax, discretion and passing-on
(J. Beatson) 375
SALE OF GOODS
Abolition of market overt
(F. M. B. Reynolds) 76
THE STATUTORY PROHIBITION OF MISLEADING OR DECEPTIVE CONDUCT IN AUSTRALIA AND ITS IMPACT ON THE LAW OF CONTRACT
(Professor D. J. Harland) 100
SCOTLAND
Error of law and unjust enrichment in Scotland
(Graeme T. Laurie) 379
Interdict and the Crown in Scotland
(Denis J. Edwards) 34
SOCIAL SECURITY
The presumption against retrospective legislation
(David Feldman) 32
SOLICITORS
A damnosa hereditas
(Tony Weir) 357
STATUTORY INTERPRETATION
Fundamental rights and the New Zealand Bill of Rights Act
(Adrian Hunt) 565
"Fundamental" rights, parliamentary supremacy and the New Zealand Court of Appeal
(J. A. Smillie) 209
The presumption against retrospective legislation
(David Feldman) 32

SUCCESSION
A damnosa hereditas
(Tony Weir) 357
Manslaughter and the forfeiture rule
(R. A. Buckley) 196
REFORM OF INTESTACY: THE BEST WE CAN DO?
(S. M. Cretney) 77

TAXATION
Restitution of overpaid tax, discretion and passing-on
(J. Beatson) 375
TELECOMMUNICATIONS
The Privy Council and "light-handed regulation"
(Rex Ahdar) 217
TORT
Beaudesert bounces back
(Nicholas J. Mullany) 44
Beaudesert buried
(Nicholas J. Mullany) 583
A damnosa hereditas
(Tony Weir) 357
The Halley: holed but still afloat?
(Adrian Briggs) 18
Nervous shock: bystander witnessing a catastrophe
(Tan Keng Feng) 48
TORT—*cont.*
NO SOMERSAULT AFTER *MURPHY*: NEW ZEALAND FOLLOWS CANADA
(I. N. Duncan Wallace) 285
Once more: tort liability for structural defects
(John G. Fleming) 362
Tortious interference with contractual remedies
(Peter Cane) 400
TRIBUNALS AND INQUIRIES
PROCEDURES AT INQUIRIES—THE DUTY TO BE FAIR
(The Rt Hon. Sir Richard Scott) 596
TRUSTS AND SETTLEMENTS
Accessory liability for procuring or assisting a breach of trust
(Charles Harpum) 545

UNDUE INFLUENCE
Undue influence and the function of independent advice
(Adrian Chandler) 51
UNITED STATES OF AMERICA
THE PERFORMANCE INTEREST IN CONTRACT DAMAGES
(Professor Daniel Friedmann) 628
UNIVERSITIES
Shallow foundations
(Peter Birks) 371